

To the Honorable Council
City of Norfolk, Virginia

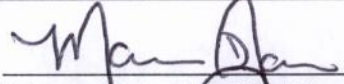
October 27, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **City Code Amendment to Sections 22-7 and 22-31 (c) to ensure compliance with recent changes in federal law related to hotel, motel, and rooming house guest registers**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-3


- I. **Staff Recommendation:** Approval
- II. **Request:** City Code Amendment would update the City's regulations pertaining to hotel, motel, and rooming house guest registers to be consistent with recent changes in federal law.
- III. **Applicant:** Norfolk City Attorney's Office and Department of Planning
- IV. **Description:**
 - This ordinance is to amend the City Code provisions relating to hotel, motel, and rooming house guest registers to comply with recent changes in case law before the United States Supreme Court.
 - The current Hotel, Motel, and Rooming House ordinance requires inspections of the premises and guest registries by city staff and inspectors.
 - Failure to properly maintain guest registries is a violation of City Code and the operator's permit.
 - Guest registries are used to verify the operator is appropriately renting lodging units for the permitted length of time.
 - The change provides that if an operator refuses to allow law enforcement to inspect the guest register, the officer may secure the register temporarily and seek an administrative search warrant.

Staff point of contact: Bobby Tajan at 664-4756, robert.tajan@norfolk.gov

Attachments:

- Ordinance

Form and Correctness Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT.**ORDINANCE No.**

AN ORDINANCE TO AMEND AND REORDAIN SECTION 22-7 AND SUBSECTION (C) OF SECTION 22-31 RELATING TO HOTEL GUEST REGISTERIES **SO AS TO** PROVIDE FOR OBTAINING AN ADMINISTRATIVE SEARCH WARRANT TO INSPECT THE GUEST REGISTER IF CONSENT TO INSPECT IS DENIED.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 22-7 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

Sec. 22-7. Guest register generally.

(a) Every person conducting or maintaining any rooming house, hotel or motel in the City shall keep a record in which the following information shall be entered legibly either in electronic, ink, or typewritten form prior to the room being furnished to the guest:

- (1) The name and home address of each guest and the total number of guests;
- (2) The day, month, year and time of arrival of each guest and the date of check out or departure;
- (3) The room number assigned to each guest;
- (4) The date each guest is scheduled to depart;
- (5) The rate charged and amount collected for rental of the room assigned to each guest;
- (6) The method of payment for each room;
- (7) The full name and home address of the person checking in each guest;
- (8) The make, type and license number of the guest's vehicle if the vehicle will be parked on the premises; and

- (9) A photocopy of a government issued driver's license or identification card for each adult guest.

(b) The guest register shall be kept on the premises of the rooming house, hotel or motel in the guest reception area or guest check-in area or in an office adjacent to that area. The record shall be maintained at that location for two years from and after the date of the last entry in the record.

(c) The guest register required by this section shall be subject to inspection at any and all reasonable times by the persons designated in Section 22-3. If inspection of the guest register is refused, the operator, manager, or person in charge, shall secure the guest register in the manner required by and in the presence of the person designated in Section 22-3 to ensure that no one can tamper with the record until such time as an administrative search warrant can be obtained or denied.

(d) No person shall alter, deface, or erase any record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct, or interfere with any inspection of the record.

(e) Any record maintained in the form of a book shall be permanently bound, with each page sequentially numbered. No page shall be removed from the book. Any record maintained in the form of cards shall be on cards that are numbered sequentially and used in sequence. If the record is maintained electronically, the record shall be printable.

Section 2:- That subsection (c) of Section 22-31 of the Norfolk City Code, 1979, is hereby amended and reordained to read as follows:

(c) The city shall have the right to inspect the premises and the guest register to ensure compliance with all permit conditions.

Section 3:- That this ordinance shall be in effect from and after its date of adoption.